The American Experience Under the Airline Deregulation Act of 1978 - An Airline Perspective

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The airline industry as we know it today began to develop in the 1920's and 30's. During this time many small airlines which had been established primarily to carry the mail combined to form what would ultimately be the major United States air carriers, such as United Airlines, the largest American single carrier, which was created by the consolidation of four smaller airlines, Eastern Airlines, TWA and others. During this era, there was little governmental regulation of the industry, and it developed in an environment of considerable chaos. As the development of the industry as a means of intercity passenger travel began in earnest, there surfaced some scandals in the award by the Post Office of airmail contracts. All of them were cancelled in 1934 by order of President Roosevelt, and the job of flying the mail was assigned to the Army Air Corps. The economic losses which resulted almost brought about the demise of the airline industry, but several highly publicized accidents involving military mail-carrying airplanes led to a decision to again assign this job to the private sector; this time in a more regulated environment.

The result was the first comprehensive law passed by the United States Congress to regulate the airlines in both economic and safety aspects, the Civil Aeronautics Act of 1938 [hereinafter “Act”]. The bill which resulted in this Act was drafted by a small group of Washington lawyers representing the then existing major airlines. The Act created an agency of the Federal Government, the Civil Aeronautics Board, to regulate the airlines and its purpose was to provide uniform safety standards for the industry. The Board was also given the duty of regulating the economic aspects of the industry, particularly to prevent the exercício of monopoly power by the large airlines. However, the Board was not given the authority to fix the rates charged by the airlines.

The Act was in effect for 40 years, and during this time the industry continued to develop. The airlines moved from a government-regulated environment to a more competitive one, and the industry became more efficient. However, the Act also had its critics, who argued that it was too inflexible and prevented the industry from adapting to changes in the marketplace.

In 1978, Congress passed the Airline Deregulation Act, which removed many of the regulatory restrictions on the airlines. This act was controversial, with many people arguing that it would lead to increased competition and lower fares, while others feared that it would lead to higher fares and a decrease in safety standards. The act went into effect on May 1, 1980, and since then the industry has undergone a significant transformation.

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Aeronautics Authority [CAA], and, among other things, invested it with broad powers to regulate the economic aspects of the industry. No interstate air carrier could operate without a "certificate of public convenience and necessity" issued by the CAA, nor could it operate on routes except those awarded to it by the CAA. Airline fares were also strictly regulated by the CAA, and they could not be raised or lowered without its approval. Any change an airline wanted to make in its fare or route structure required a formal application to the CAA, which in 1958 was renamed the Civil Aeronautics Board [CAB].\footnote{3. Federal Aviation Act of 1958, §201, 72 Stat. 741, (codified as amended at 49 U.S.C. §1321 (1958)).} and lengthy and complex administrative hearings and appeals, often followed by court proceedings seeking judicial review of the CAB's decisions. It is obvious that this scheme tended to favor the status quo and discourage competition, although it was said to be justified by the maintenance of economic stability and consequently, safety, in the industry that would result. It protected existing airlines, which had "grandfather rights" to certificates, against competition, both from newly formed airlines and from existing carriers seeking to expand their route structures. Indeed, not one new airline began operations as a large passenger air carrier between 1938 and 1978. The result was also the maintenance of artificially high fares and inaccessibility of airlines as a means of transportation to many Americans. This state of affairs generally persisted until 1978, and the passage of the Airline Deregulation Act.\footnote{4. Airline Deregulation Act of 1978, Pub. L. No. 95504, 92 Stat. 1705. For legislative history of the Deregulation Act, see 1978 U.S. Code Cong. & Admin. News 3737.}

revolution, as numerous "brotherhoods" or unions were formed, each representing a separate craft or class of workers. The Railway Labor Act was created largely as the product of the joint efforts of an industry committee composed of management and labor representatives, and passed Congress with little change and was signed by the President. The Railway Labor Act guaranteed the right of railroad workers to unionize, and created a scheme of single, nationwide bargaining units, called "crafts or classes," to represent particular work groups, such as engineers, conductors, repair workers, etc. on each carrier. Railroad workers were, or became, almost entirely unionized, with the same unions generally representing the same groups of employees on all the railroads. Thus, for example, virtually every railroad engineer in the country was represented by the Brotherhood of Locomotive Engineers. The result was so-called "national bargaining" in which most of the railroads bargained with the various brotherhoods through a joint agent, and wage rates and working conditions were pretty much uniform throughout the industry.

The central purpose of the Railway Labor Act was to discourage strikes and other labor disputes, in order to prevent interruptions to the flow in interstate commerce and resulting damage to the national economy in the event the railroads had to cease operations, even for a relatively short period, due to a labor dispute. The Railway Labor Act does not make strikes unlawful in the railroad industry. However, it does create an elaborate machinery for mandatory bargaining, mediation and other steps which must be taken before either a union or carrier can resort to "self-help," that is, a strike by a union or a lockout or unilateral changes in wages or work rules by a carrier.

The Railway Labor Act also created another government agency, the National Mediation Board (hereinafter "Board"), whose purpose is to supervise representation elections in the industry and assist in resolving collective-bargaining disputes over proposed changes in wages and working conditions — so-called "major dis-


Neither a union nor a carrier may exercise self-help without having run the gamut of required processes under the Railway Labor Act, being "released" by the Board after a determination that further mediation would be useless, and the expiration of a 30-day "cooling-off" period after that. This process, which has been described by the United States Supreme Court as "almost interminable" and "purposely long and drawn out," can take several years from opening proposals to self-help or a new agreement.

The Mediation Board, probably one of the federal agencies least known to the general public (the much better-known National Labor Relations Board regulates labor relations in industries subject to the Wagner Act) is headed by a Presidentially-appointed chairman and two members, who preside over the activities of a small group of permanent mediators and other officials. The Board generally views its mission as one of encouraging unionization in the industries it regulates, which is not surprising when one considers that it is almost impossible for one to be confirmed as a Board member without the blessing of organized labor, which seems considerably more effective than do the carriers in making its views felt in matters of this kind. Whether because or in spite of the Board's efforts, strikes are relatively infrequent in the railroad industry, but the economic history of the railroads in the mid-20th century has not been a particularly happy one, with many mergers and bankrupt carriers.

In 1936, Congress decided to regulate labor relations in the airline industry by amending the Railway Labor Act to cover interstate carriers by air. Since then, there has been little change in the Railway Labor Act, which was last amended, in minor respects, in 1951, and notwithstanding the economic deregulation of the indust-

11. See generally Railway Labor Act, Ch. 347, 44 Stat. 579, 580 (1926) (codified as amended at 45 U.S.C. §§154, 155 (1981)). "Major disputes" are to be distinguished from "minor disputes" (these terms are not used in the Act, but have been invented by courts which have considered these provisions of the Act), which relate to enforcement and interpretation of existing agreements, and are resolved through arbitration. See Elgin, J. & E. R. Co. v. Burley, 325 U.S. 711, 723 (1945).


try, there has been no corresponding change in the statutory basis of airline labor relations. At least among operating employees, unionization flourished in the airline industry as on the railroads, with pilots being union-represented on virtually all major carriers, and flight attendants and mechanics and other blue-collar ground personnel being in bargaining units on all major airlines with one prominent exception, Delta Airlines. There is relatively little union representation among other categories of airline employees. For example, passenger service employees, such as airport passenger agents and reservations sales personnel are unrepresented on most large airlines, the significant exceptions being Pan American and Northwest Orient. This, despite recent substantial organizing efforts on several carriers, which resulted in elections on United, Eastern and TWA, which were lost by the unions at the first two and won on TWA after three elections by the machinists' union by the slimmest of margins, a result unsuccessfully challenged in the courts.

Unlike the railroads, the airline's labor union structure is not monolithic. An exception is the Air Line Pilots Association, "ALPA," which currently represents pilots on all major airlines except American Airlines, whose pilots are represented by an independent union, the Allied Pilots Union, whose membership broke away from ALPA some years ago. Other employees are represented by a variety of unions on different carriers, some of which are large unions which also represent employees outside the airline industry, such as the International Association of Machinists and Aerospace Workers, the Teamsters Union and the Transport Workers Union. Small, independent unions represent single units of employees on some carriers, mostly flight attendants. A result is that, unlike the railroad industry, each airline negotiates its own contracts separately, although until recently, wages and other bargaining patterns tended to be set by the contracts negotiated between the most powerful union, such as ALPA and the IAM, and the largest carriers, such as United Airlines and Northwest, and these were by and large followed by the rest of the industry.

In the economic environment created by the pervasive regu-

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18. Id.
tion of airlines that existed between 1938 and 1978, contract settlements tended to be generous as there was no price competition among carriers and increases in wages and the costs of liberalized work rules were reflected in applications for fare increases which were generally approved by the Civil Aeronautics Board and thus passed along to the airlines' customers, their passengers and shippers of air cargo. Airline workers were among the highest paid in American industry, with many pilots making over $100,000 a year for flying less than 80 hours a month, and even baggage handlers making over $30,000 a year. Despite all this, strikes were not unknown, and indeed were more frequent than in the railroad industry. Because of the system of individual bargaining in the airline industry, and of the power of the National Mediation Board to dictate the timing of when airlines and unions will be released to engage in self-help, generally an airline strike would affect only one carrier at a time. Therefore, it would have relatively little impact on the national economy, although geographic route structures could result in significant regional impact in areas dominated by one or two airlines. Furthermore, the airlines all belonged to what was known as the "Mutual Aid Pact," under which a struck airline would receive a share of the "windfall" profits earned by its competitors which gained revenue due to the strike.

During this era, airlines never attempted to operate during a strike with replacement workers, as Mutual Aid cushioned the economic consequences of a shutdown. However, Mutual Aid payments created a disincentive to settle strikes, and indeed some weaker carriers did better being on strike. A prolonged strike in the mid-1970's against Northwest Orient Airlines which caused much inconvenience to the northwestern parts of the United States led to the outlawing of the Mutual Aid Pact by Congress, in reaction to the boasting of Northwest's management that due to Mutual Aid it could remain shut down, hold out against the union indefinitely, and make money to boot.21

Although the impetus towards economic deregulation of the airlines had begun in the mid-1970's during the administration of President Gerald Ford, the movement began in earnest when the Democratic administration of President Jimmy Carter took office in 1977. President Carter appointed as Chairman of the Civil Aeronautics Board a staunch advocate of deregulation, Professor Alfred E. Kahn of Cornell University. Legislation drafted under his guidance and

passed overwhelmingly by both houses of Congress became the Airline Deregulation Act of 1978.\textsuperscript{22} Deregulation had been opposed by most of the airline industry, with the prominent exception of United Airlines, whose president, Richard Ferris, emerged as a strong advocate of deregulation. In large part this was due to its large size, and since all efforts by United to expand its routes had been rejected by the CAB. Like the rest of the industry, the airline unions were adamantly opposed to deregulation, fearing instability and consequent loss of jobs and reduction in the earnings and standard of living of its members.

Deregulation resulted in drastic changes in domestic aviation in the United States. Although not directly applicable to international travel, which is subject to diplomatic agreements between the countries concerned, it nevertheless stimulated international fare and even route competition, as the United States brought pressure on foreign governments to amend international aviation agreements in deregulatory directions. Deregulation has enabled airlines to enter and leave domestic markets at will, and to raise or lower fares at any time without the permission of the CAB, which was abolished, with its few remaining functions transferred to the Department of Transportation. Furthermore, new airlines were able to enter the industry with relative ease. Whereas formerly new entrants had to prove that their proposed service would serve the "public convenience and necessity,"\textsuperscript{23} a virtually impossible burden, now all a new entrant needs to show is that it can meet minimum standards of operational and financial responsibility, and the burden of proof has been shifted to parties opposing new service. Whereas thirty-six carriers were in existence prior to deregulation, some one hundred and thirty-four new airlines were formed in the six years after 1978.\textsuperscript{24}

The effects of deregulation, some of which were anticipated, and some of which were not, soon followed. Many airlines realigned their route systems to form a "hub and spoke" system, dominating service into and out of certain cities on which they centered their operations, and through which on-line connections were made. For example, United's major hub is Chicago; TWA's, St. Louis; American's, Dal-\textsuperscript{22} Airline Deregulation Act of 1978 \textit{supra} note 4.
\textsuperscript{24} Cassell and Spencer, \textit{Airline Labor Relations Under Deregulation: From Oligopoly to Competition — and Return?}, Transportation Center, Northwestern University at 1-2 (1986).
las-Ft. Worth; Northwest’s, Minneapolis and Detroit; and Delta’s and Eastern’s at Atlanta. New entrants also established hubs at previously underutilized airports, such as People Express at Newark Airport, located in New Jersey but within the New York metropolitan area. Fare wars broke out as low-cost operators entered markets formerly dominated by established airlines and offered drastically lower fares in order to divert traffic from the incumbent carriers.

The major carriers would, in turn, lower their fares to meet the new competition, and in addition, they created “frequent flyer” programs under which travellers would be awarded points usable towards free flights or service upgrades. This promoted brand loyalty and tended to keep passengers even where a somewhat lower fare might be available on another carrier. While these actions brought increased service and lower fares to major markets which attracted competition, the opposite result occurred in smaller markets. The smaller markets suffered service withdrawals and in some cases greatly increased fare levels in order to offset losses suffered on more competitive routes. Some city-pairs lost all jet service, which was replaced by commuter airlines operating small aircraft. Thus, while in many areas the travelling public benefitted from deregulation, in some instances it did not. On the whole, U.S. scheduled airlines in 1987 emplaned 447 million passengers and flew 404 billion revenue passenger miles, as compared with 240 million passengers and 193 billion revenue passenger miles in 1977. As we will see, however, these numbers alone do not reflect the relative prosperity of the industry.

It is unclear at this point whether the airlines overall have benefitted by deregulation. Although many new carriers initially entered the industry by operating used aircraft, which were then readily available, hiring low cost, non-union labor, and by leasing facilities and contracting out maintenance, thereby minimizing fixed charges, over one hundred airlines have now ended up either bankrupt or merged with other carriers.

Even the innovative People Express, which for five years compiled a spectacular record of growth, would wind up being merged into Continental Airlines when its over-ambitious expansion program brought it to the point of collapse.

New entrants were not the only ones adversely affected in the ten years since deregulation began. Among the pre-deregulation car-

riers, Braniff and Continental went into bankruptcy, though both are still flying; Pan American was forced to sell major assets, including its Pacific route system, which was sold to United, to survive; and Eastern continues to totter on the edge of failure, and was finally acquired by Texas Air Corp., parent of Continental. Long-established airlines disappeared as they were acquired through merger by others: Western by Delta; Piedmont and PSA by US Air; Ozark by TWA; Republic (itself created only a few years earlier by a 3-airline merger) by Northwest. It is debatable how many of these events would have occurred without deregulation - arguably many of them and perhaps others would have taken place anyway, due to repeated fuel crises, economic recessions, international terrorism directed against civil aviation, and other causes whose relationship to deregulation is not immediately apparent.

In the first few years, the effects of deregulation on airline labor were severe at several of the major carriers. They were forced to compete with the low cost new entrants which were generally non-union, with lower wage scales and without archaic and costly union work rules which hampered productivity and required airlines to keep employees on the payroll who were not always necessary to their operation. Salaries paid to pilots and flight attendants at some major carriers were often two to three times those paid by new entrants. Furthermore, at new entrant carriers, employees worked more hours and frequently could be cross-utilized when their services in their primary specialty were not required. Contractual restrictions on the use of part-time help and subcontracting also did not hamper new entrants, which were thereby also able to affect significant economies.

Thus, if the pre-regulation carriers were going to survive, they would have to make drastic efforts to reduce their labor costs. Some, such as TWA, resorted to down-sizing, which resulted in the loss through layoffs of nearly 13,000 jobs, from nearly 40,000 in the mid-70's to 27,000 in 1984.27 Other carriers also reduced their operations and carried out major reductions in force. In addition, airlines sought concessionary agreements from their union, asking for freezes to pay increases, outright wage reductions, sometimes in the form of or accompanied by "B-scales," under which wage reductions would affect only newly hired employees, or "snap-backs," under which wages would be reduced but return to their original levels at the end of the contract term or at some other specified time. Acceptance of

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these demands by unions varied. Some unions, such as ALPA, the pilots' union, tended to more readily accept them, probably due to the greater difficulties their members might have securing work at comparable pay in the event their employer went out of business, and also because as relatively highly paid employees, they could absorb the impact of pay losses more readily than those in other job classifications. On the other hand, the Machinists Union strongly resisted concessions, granting them only in what they deemed the most dire situations and then denominating them as "wage investments," and agreeing to them subject to a variety of conditions, such as snap-backs and even the granting to the union of seats on the airline's board of directors, something generally unheard of in American business practice.

Available statistics present a confusing picture about the effects of deregulation on airlines and their employees. As noted, employment declined drastically on some carriers, and others went out of business or were merged, with resultant losses of jobs. However, in the industry as a whole, employment remained fairly steady during the first several years, and then grew rapidly. Employment statistics compiled by the Air Transport Association of America, the industry trade association, show that in 1977, the year prior to deregulation, total employment among U.S. scheduled airlines was 308,068. In 1978, it was 329,303, and 360,517 in 1980. In 1983, employment declined to 328,648, but by 1987 it was 457,349, approximately 50% higher than 1977. Total revenues in 1987 were $57 billion, as compared with $20 billion in 1977, but total expenses were also close to $57 billion, compared with $19.3 billion in 1977. Industry net profit was $600 million in 1987, whereas it was $753 million in 1977. In four of the ten post-deregulation years, 1981-1983 and 1986, the industry as a whole operated at a net loss. In 1987, the industry's net profit margin was only 1.1%, very low by American standards, and its return on investment was 7.3%, versus 10.2% in 1977 and 13.3% in 1978.28

It is, however, very difficult to definitively link these statistics to deregulation. Certainly, the industry in general, and many carriers in particular, had many lean years in the regulatory era, and during that time there were also frequent business failures and consolidations. Further, it is certainly arguable, for example, that the industry losses were due more to factors such as economic recession in the early '80s and terrorism in 1986 than to deregulation. Also, the re-

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cent spate of mergers in the industry may reflect the permissive attitude of the Reagan administration towards corporate takeovers and other business combinations rather than a result of industry deregulation per se. It may well be argued that these things would have happened anyway, and that in fact deregulation provided the flexibility of response that allowed some carriers to survive them.

On the other hand, the effect of deregulation on airline workers is undeniable. Deregulation made possible the entry of non-union operators, whose low fares made possible by a low cost base forced high cost operators to get costs down, especially their labor costs, and created wide disparities in pay among carriers. By way of example, in 1977, the difference in the monthly average cost to employ one flight captain between major carriers was $467, i.e., between $6,837 and $6,370. Today, in 1988, American's captains cost the airlines an average of $12,386 per month each, whereas Continental’s cost it $5,480, a difference of almost $7,000. Continental achieved this through filing for bankruptcy solely to abrogate its high cost labor agreements, a strategy which worked in 1983, but has since been severely limited by Congress, and through its absorption of the low cost-operator People Express.

In general, carriers have found it necessary to take a harder line with their unions, and the pattern bargaining and continually escalating labor costs which resulted and were simply passed along to the consumer are a thing of the past. Continental, as noted, basically threw its unions out through invocation of the bankruptcy laws, and there has been almost continual labor strife at Eastern and Pan American as management continued to seek labor concessions in order to ward off failure. At both of these carriers, management has been replaced in the last few years, largely as a result of inability to achieve labor cost reductions. Litigation filed in federal courts under the major dispute resolution provisions of the Railway Labor Act is

30. In 1984, the Bankruptcy Act was amended to provide that collective bargaining agreements can be rejected in bankruptcy only after refusal without good cause by the union to accept proposals to modify their terms and court approval of an application for rejection. Bankruptcy Act Pub. L. 98-353, Title III, §541(a), 98 Stat. 390 (1984). Prior to the amendment, collective bargaining agreements could be rejected in bankruptcy in the same manner as other executory contracts. NLRB v. Bildisco and Bildisco, 465 U.S. 513 (1984). Although the Bankruptcy Act has long provided, 11 U.S.C. §1167, that labor agreements subject to the Railway Labor Act could be modified even in bankruptcy only in accordance with section 6 of the Railway Labor Act, this provision is not applicable to airlines. See, e.g., In re Air Florida System, Inc., 48 Bankr. 440 (S.D. Fla. 1985); In re Braniff Airways, Inc., 25 Bankr. 216 (N.D. Tex. 1982).
at an all-time high, as carriers unilaterally attempt solutions to intractable labor cost problems, which unions resist by going to court.\textsuperscript{31}

As for strikes, there has been relatively little strike activity in the past few years. With the deregulated environment, and the demise of the Mutual Aid pact, airlines can no longer afford to simply "take a strike" by shutting down operations and continuing negotiations while revenues have dried up and business has gone to the competition, perhaps for good. Instead, they have made clear to the unions their intentions to continue to operate during a strike, utilizing replacements for striking workers. Whether this strategy can succeed, of course, varies from carrier to carrier and depends on what employees are striking and the determination of management to "stay the course." In 1985, United’s pilots struck and management attempted to operate using pre-trained replacements.\textsuperscript{32} It is, of course, one thing to replace a flight attendant or a baggage handler; it is quite another to replace a pilot. There were very few defections from the ranks of the strikers, and United was unable to muster sufficient replacements to operate even a fraction of its schedule. The strike lasted about a month before it ended with a fairly generous settlement. The residual bitterness among the pilot work force has contributed to United’s reorganization and replacement of its senior management, including the deregulation advocate Richard Ferris, in 1987.\textsuperscript{33}

On the other hand, TWA’s 1986 flight attendant strike represented, what at least so far has been, a major victory for manage-


ment. TWA was taken over by the financier Carl Icahn in late 1985, an event largely made possible by concessionary agreements by ALPA and the IAM, which viewed Mr. Icahn as preferable to Frank Lorenzo, whose Texas Air Corporation, owner of Continental Airlines, was also seeking to acquire TWA. The flight attendants, represented by the Independent Federation of Flight Attendants (IFFA), whose contract had previously expired and was then in mediation, refused to make comparable concessions, although TWA had the highest flight attendant employment cost in the industry, paying an annual average in 1985 of $34,722, versus an industry average, excluding TWA, of $24,206 and $16,023 being paid by Continental.  

TWA began recruiting and training permanent replacements for strike duty, and when on March 6, 1986, after the National Mediation Board declared an impasse, and the 30-day cooling-off period had expired, IFFA went on strike, and TWA hired almost 2,800 permanent replacements. These, taken together with 1300 flight attendants, who refused to join the strike or returned to work after it began, TWA was able to operate the airline on a full schedule. When the strike began, TWA implemented new wages and work rules, including a 22% reduction in compensation and the elimination or modification of many costly work rules that were in the expired contract. This enabled TWA to operate with a much smaller flight attendant work force. After two months, IFFA ended the strike and allowed its members to return to work. By this time, however, TWA had permanently replaced all but 200 of them. Under American labor law TWA was not required to terminate the new hires to reinstate the strikers, who were placed on a "preferential rehire list," to be recalled in seniority order as openings occurred. Presently, more than two years later, there is still no agreement and almost 3,000 "full term" strikers have still not returned to work. Although IFFA has continued to pursue several lawsuits in which it claims TWA's actions violated the Railway Labor Act, it seems unlikely

34. See supra note 29.
that the IFFA will ultimately succeed in court on their major claims. This strike is widely viewed as a disaster for the union and a major victory for TWA, which has saved well over $100 million in flight attendant costs thus far. It is noteworthy that although labor disputes at several carriers since then have reached the "self-help" stage, despite threats to do so, no union has actually gone out on strike against an airline since the TWA flight attendant strike.

It is probably too early to draw any conclusions as to whether deregulation has been good or bad for the airlines. Indeed, a firm conclusion may never be reached. Certainly, there have been major changes in the way the industry does business, and these have had major impact on airline employees. Initially, there were dislocations as the first years of deregulation brought new competition, together with a general slowdown in the economy and rampant escalation in fuel costs, to the established airlines. Now, however, the influx of new entrants has halted, probably because the poor track record of new-entrant airlines has not encouraged financing institutions to continue to support new ventures in this industry. This, taken together with the merger activity previously discussed, seems to have the industry headed back towards oligopoly, but without the prior regulatory scheme in place. In short, the full story of deregulation and its effects on airline labor has yet to be written, but when it is, it is sure to be a fascinating one, as it certainly has been up till now.

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bargain in good faith, and that TWA could not for the same reason unilaterally implement changes in wages and work rules once strike began, rejected at trial at conclusion of union's case); Trans World Airlines, Inc. v. Independent Fed. of Flight Attendants, 640 F.Supp. 1108 (W.D. Mo. 1986), aff'd by an equally divided Court, — U.S. —, 108 S.Ct. 1101 (1988), motion for reconsideration pending (union security clause of previous collective bargaining agreement remained in effect after strike, requiring union membership and dues payments by working flight attendants, including strike replacements).